

## **REMARKS**

### **Rejections of Claims**

Claims 1-21 in the Application as filed January 16, 2004 were cancelled by an accompanying Preliminary Amendment, that also added new claims 22 – 57. Claims 22 – 57 are now pending in the Application. Claims 22 and 39 are independent claims. Claims 23-38 and 40-57 depend, respectively, from independent claims 22 and 39. The Applicant requests reconsideration of the pending claims 22-57, in light of the following remarks.

Before addressing the rejections of the claims, the Applicants wish to respond to page 2 of the Office action. In the first paragraph of page 2, the Examiner advises the Applicant regarding the use of the expression “the Internet protocol is the transmission control protocol (TCP)/Internet protocol (IP) protocol”, as used in claims 27 and 44. The term TCP/IP is used in claims 27 and 44 to represent that the Internet protocol of claims 26 and 43 is the TCP (transmission control protocol) over IP (Internet Protocol) protocol. The Applicants believe that the meaning of claims 27 and 44 is clearly understandable to one of skill in the art.

In regards to the second paragraph of page 2, the Applicants are unsure as to its purpose. The term “interface” should be interpreted in as broad a fashion as the Specification and the prior art permit, and should not be limited according to the meanings proposed by the Examiner.

Claims 22, 26-32, 35-40, 42-49, and 51-57 were rejected under 35 U.S.C. 102(e) as being anticipated by Ayanoglu (5,570,367). The Applicants respectfully traverse the rejection.

As an initial matter, the Applicant’s representative appreciated the opportunity to discuss the list of claims included in the above rejection of the Office action with Examiner David R. Vincent in a telephone call on May 17, 2005. During that call, the Examiner admitted that the Office action failed to identify claim 34 as being included in the rejection of item (2) on page 2 of the Office action, as intended by the Examiner. The Applicant’s representative has addressed the above rejection, accordingly.

Regarding claim 22, the Applicants respectfully submit that the Ayanoglu reference does not teach, suggest, or disclose, for example, a communication network supporting the exchange

of voice and data, the network comprising at least one portable terminal having a wireless transceiver adapted for communication using a packet protocol; the at least one portable terminal adapted for converting sound into digital voice packets for transmission via the wireless transceiver, and for receiving digital voice packets via the wireless transceiver, the contents of the digital voice packet for conversion into sound; the at least one portable terminal adapted for capturing digital data into data packets for transmission via the wireless transceiver, and for receiving data packets via the wireless transceiver, the contents of the data packets used for reproducing digital data; at least one access device having a wireless transceiver for exchanging packets with the at least one portable terminal, the at least one access device comprising a network interface for exchanging information via a wired network; and the at least one access device selectively transferring to its wireless transceiver for transmission at least a portion of the information received from its network interface, and selectively transferring to its network interface for transmission at least a portion of the information received by its wireless transceiver. The Office action states that the reference discloses conversion of sound (e.g., speech) into packets (e.g., col. 3). The Applicants respectfully disagree. The Ayanoglu reference is silent with respect to converting sound into digital voice packets for transmission via a wireless transceiver, and with respect to receiving digital voice packets via the wireless transceiver. The Office action fails to specifically identify where in the Ayanoglu reference any use of voice packets is recited.

Therefore, for at least the above stated reasons, the Applicants respectfully submit that Ayanoglu is different from and fails to anticipate the Applicant's invention as set forth in claim 22. Applicants believe that claim 22 is allowable over Ayanoglu. Because claims 23-38 are dependent upon claim 22, Ayanoglu is different from and fails to anticipate claims 22-38, as well. Therefore, claims 22-38 are also allowable over the Ayanoglu reference. The Applicant respectfully requests that the rejection of claims 22, 26-32, 34-38 under 35 U.S.C. §102(e), be withdrawn.

Regarding claim 39, the Applicants respectfully submit that the Ayanoglu reference does not teach, suggest, or disclose, for example, a communication network supporting the exchange of voice and data, the network comprising at least one portable terminal having a wireless transceiver adapted for communication using a packet protocol; the at least one portable terminal

arranged to exchange via the wireless transceiver packets comprising digital representations of sound; the at least one portable terminal adapted to exchange via the wireless transceiver packets comprising digital data; at least one access device having a wireless transceiver for exchanging packets with the at least one portable terminal and comprising at least one network interface for exchanging information via a wired network; and the at least one access device adapting packets from its wireless transceiver for transmission via a designated one of the at least one network interface, and for adapting information from the designated one of the at least one network interface for transmission as packets via its wireless transceiver. The Office action states that the reference discloses conversion of sound (e.g., speech) into packets (e.g., col. 3). The Applicants respectfully disagree. The Ayanoglu reference fails to disclose a portable terminal arranged to exchange via a wireless transceiver packets comprising digital representations of sound, and is silent with respect to any use of packets of digitized voice. The Office action fails to specifically identify where in the Ayanoglu reference any use of packets comprising digital representations of sound is recited.

Therefore, for at least the above stated reasons, the Applicants respectfully submit that Ayanoglu is different from and fails to anticipate the Applicant's invention as set forth in claim 39. Applicants believe that claim 39 is allowable over Ayanoglu. Because claims 40-57 are dependent upon claim 39, Ayanoglu is different from and fails to anticipate claims 40-57, as well. Therefore, claims 40-57 are also allowable over the Ayanoglu reference. The Applicant respectfully requests that the rejection of claims 39, 40, 42-49, and 51-57 under 35 U.S.C. §102(e), be withdrawn.

Claims 23-24, 41, 33-50 were rejected under 35 U.S.C. 103(a) as being unpatentable over Ayanoglu as set forth above, in view of Cripps (US 5,838,730). The Applicants respectfully traverse the rejection.

As an initial matter, the Applicant's representative appreciated the opportunity to discuss the list of claims included in the above rejection of the Office action with Examiner David R. Vincent in a telephone call on May 17, 2005. During that call, the Examiner admitted that the Office action should have identified claims 33 and 50 individually, as intended by the Examiner, and should not have identified the range of claims 33-50. The Applicant's representative has addressed the above rejection, accordingly.

Regarding claim 23, the Applicants submit that Claim 23 is a dependent claim of independent claim 22. Because independent claim 22 is allowable, the Applicants assert that the dependent claim 23 is also allowable over the proposed combination of references. Therefore, the Applicants respectfully request that the rejection of claim 23 be withdrawn.

Regarding claim 24, the Applicants submit that Claim 24 is a dependent claim of independent claim 22. Because independent claim 22 is allowable, the Applicants assert that the dependent claim 24 is also allowable over the proposed combination of references. Therefore, the Applicants respectfully request that the rejection of claim 24 be withdrawn.

Regarding claim 33, the Applicants submit that Claim 33 is a dependent claim of independent claim 22. Because independent claim 22 is allowable, the Applicants assert that the dependent claim 33 is also allowable over the proposed combination of references. Therefore, the Applicants respectfully request that the rejection of claim 33 be withdrawn.

Regarding claim 41, the Applicants submit that Claim 41 is a dependent claim of independent claim 39. Because independent claim 39 is allowable, the Applicants assert that the dependent claim 41 is also allowable over the proposed combination of references. Therefore, the Applicants respectfully request that the rejection of claim 41 be withdrawn.

Regarding claim 50, the Applicants submit that Claim 50 is a dependent claim of independent claim 39. Because independent claim 39 is allowable, the Applicants assert that the dependent claim 50 is also allowable over the proposed combination of references. Therefore, the Applicants respectfully request that the rejection of claim 50 be withdrawn.

Claims 25 and 42 were rejected under 35 U.S.C. 103(a) as being unpatentable over Ayanoglu as set forth above, in view of Gilhousen (US 5,280,472). The Applicants respectfully traverse the rejection. Regarding claim 25, the Applicants submit that Claim 25 is a dependent claim of independent claim 22. Because independent claim 22 is allowable, the Applicants assert

that the dependent claim 25 is also allowable over the proposed combination of references. Therefore, the Applicants respectfully request that the rejection of claim 25 be withdrawn.

Regarding claim 42, the Applicants submit that Claim 42 is a dependent claim of independent claim 39. Because independent claim 39 is allowable, the Applicants assert that the dependent claim 42 is also allowable over the proposed combination of references. Therefore, the Applicants respectfully request that the rejection of claim 42 be withdrawn.

### **Conclusion**

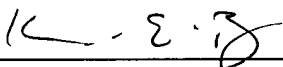
The Applicants believe that all of pending claims 22-57 are in condition for allowance. Should the Examiner disagree or have any questions regarding this submission, the Applicants invite the Examiner to telephone the undersigned at (312) 775-8000.

A Notice of Allowability is courteously solicited.

The Commissioner is hereby authorized to charge any additional fees associated with this communication, or credit any overpayment, to Deposit Account No. 13-0017.

Respectfully submitted,

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